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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,059	05/25/2001	David M. Schut	10002592-1	4177

7590 04/08/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

WOODWARD, ANA LUCRECIA

ART UNIT	PAPER NUMBER
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1711

6

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS6

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 01/21/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- Of the above claim(s) 7 and 9-15 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 and 8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Election/Restrictions

1. Claims 7 and 9-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3

Claim Rejections - 35 USC § 112

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, "polymer having a pendant group including a carboxylic acid" is indefinite in that it is unclear if or how the "carboxylic acid" limits the pendant group. Is the carboxylic acid group required or is it merely an example of possible pendant groups?

Claim Rejections - 35 USC § 102/103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 6,096,826 (Rabasco et al).

Rabasco et al disclose a piperidone functionalized poly(vinyl alcohol)s having the general formulae set forth at column 2, lines 15-48. As presently recited, the first block comprising a pendant group is met by the poly(vinyl alcohol) groups of the reference's copolymer and the second block comprising a second type of moiety, as presently recited, is met by the piperidone moieties of the reference's copolymer. It is reasonably believed that the copolymer of the reference meets the requirements of the present claims in terms of the types of materials used. The onus is shifted to applicants to establish that the products of the present claims are not the same as or obvious from those of the prior art.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 59189113 abstract.

The JP '113 abstract discloses block copolymers containing poly(vinyl alcohol) and polyacrylic acid segments. It is reasonably believed that the copolymer of the reference meets the requirements of the present claims in terms of the types of materials used. The onus is shifted to applicants to establish that the products of the present claims are not the same as or obvious from those of the prior art.

Claim Rejections - 35 USC § 103

7. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,002,589 (Farley et al).

Farley et al discloses water-soluble segmented polymers comprising A segments from a water-soluble vinyl monomer and B segments from a poly(vinyl pyrrolidone) or poly(vinyl alcohol). Suitable water-soluble vinyl monomers include dimethyl diallyl ammonium chloride (column 2, lines 65-68).

In essence, the disclosure of the reference differs from the presently claimed subject matter in not expressly exemplifying a block copolymer meeting the requirements in terms of the types of materials used. It is maintained that it would have been obvious to one having ordinary skill in the art to have prepared a block copolymer of poly(dimethyl diallyl ammonium chloride) as the A segments and poly(vinyl alcohol) as the B segments with the reasonable expectation of success because such is an obvious species of block copolymer within the general scope of the reference's teachings. Accordingly, absent evidence of unusual or unexpected results, no patentability can be seen in the presently claimed subject matter.

Response to Arguments

8. Applicant's arguments filed January 21, 2003 have been fully considered and are deemed persuasive to the extent that the 35 U.S.C. 112 rejections have been overcome.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (703) 308-2401. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (703) 308-2462. The fax phone numbers for the

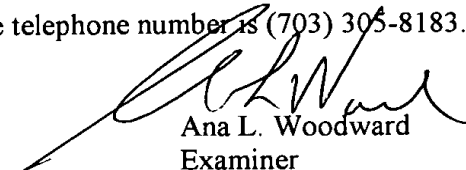
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organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8183.



Ana L. Woodward
Examiner
Art Unit 1711

AW
April 7, 2003